

# **“Environmental Compliance and Enforcement: The role of Access to Information and Public Participation”**








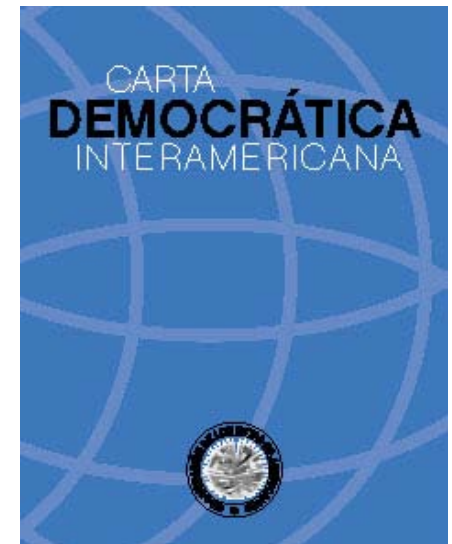
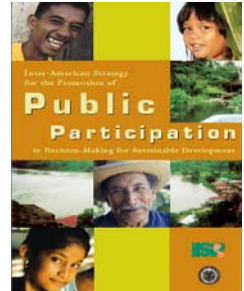
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# Participation: Longstanding History in the Americas



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- G A Regulates cooperative relations between the OAS and NGOs (1971)
- Miami (1994) 
- Santa Cruz de la Sierra (1996) 
- Santiago (1998) 
- Quebec (2001) 
- Mar del Plata (2005) 
- Trinidad and Tobago (2009) 
- Cartagena (2012) 



# Participation in the Americas: Key Milestones

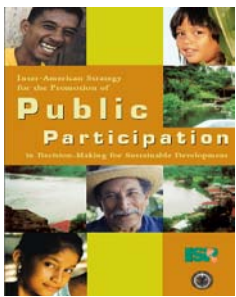


## Rio Declaration on Environment and Development

### Principle 10

Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities

in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.



## Plan of Action for the Sustainable Development of the Americas (1996)

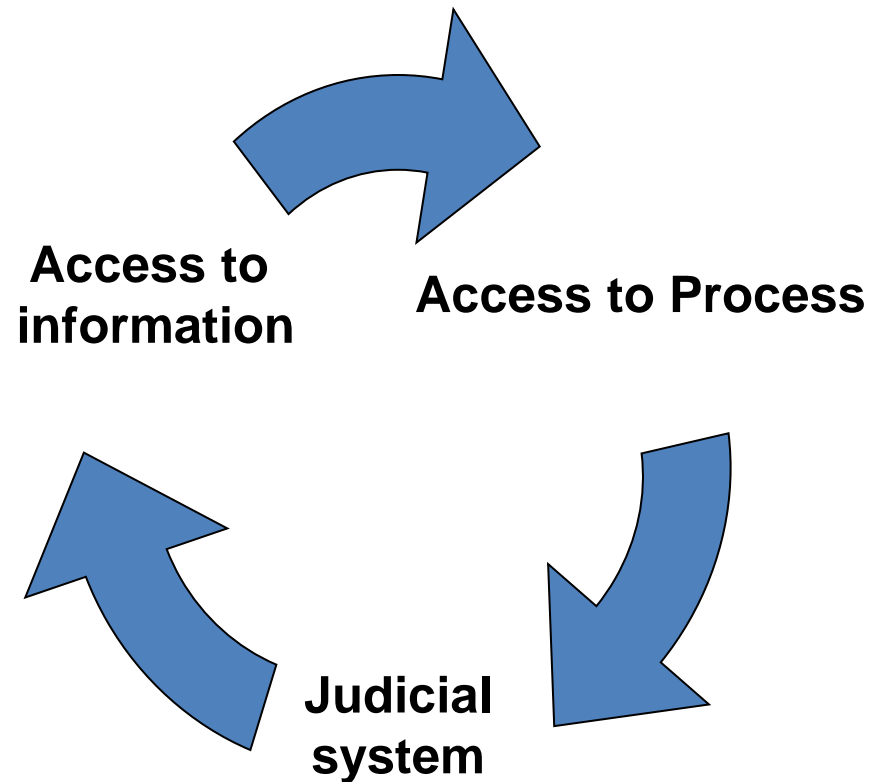
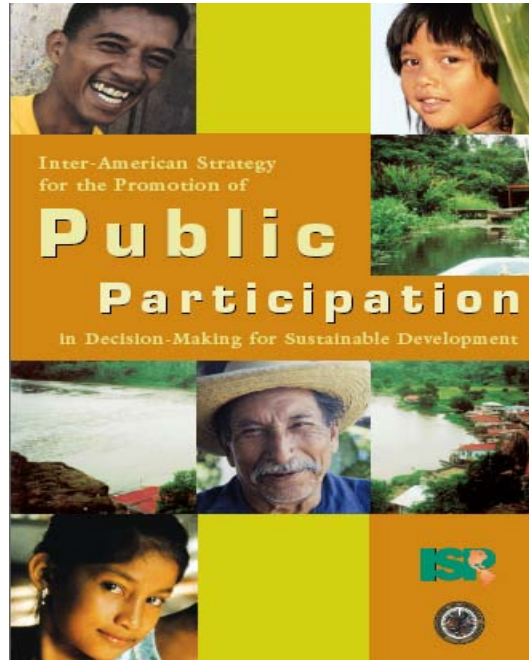
15. In order to support the specific initiatives on public participation contained in the Plan of Action, entrust the OAS with assigning priority to the formulation of an inter-American strategy for the promotion of public participation in decision-making for sustainable development, taking into account the recommendations of the Inter-American Seminar on Public Participation held in Montevideo in 1996.

16. The strategy should promote the exchange of experiences and information among government representatives and civil society groups with regard to the formulation, implementation, and improvement of sustainable development policies and programs, legal and institutional mechanisms, including access to and flow of information among the relevant actors, training programs, and consultation processes used at the national level to ensure civil society involvement. Establish consultation processes at the regional level, such as regular fora for government-civil society dialogue at relevant high-level meetings convened by the OAS, and when necessary support the integration and strengthening of national sustainable development councils, drawing on the experience of Central America and other existing councils in the Hemisphere.

# The ISP and Río Principle 10



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# Links with Enforcement and Compliance



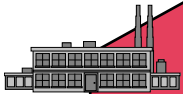
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## Access to information



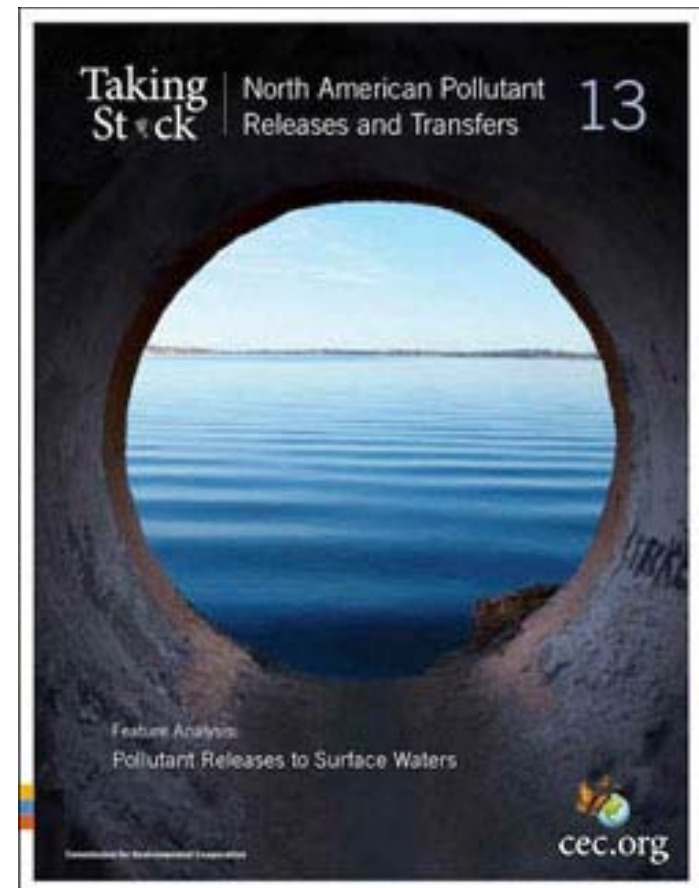
Effective legal frameworks should include provisions that grant public access to data, documents, and other information relevant or related to policy formulation and implementation, including on the present quality of the environment, the environmental performance of regulated communities and development of budget proposals.

*Environmental information gives civil society the means to take an active role in ensuring government accountability.*





- “Although we live in what’s often recognized as “the information age”, the full potential of gathering and dissemination of information as a tool for environmental protection has only begun to be fully recognized in the past five years. Perhaps the strongest expression of this potential has been the emergence of Pollutant Release Transfer Registry Programs around the world. North America has been at the Center of these developments and the North American Commission on Environmental Cooperation (CEC) has played an increasingly important role in this process since its creation.” Greening NAFTA, David L. Markell and John H. Knox





# Links with Enforcement and Compliance



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Access to  
Decision Making  
process

Legislative and administrative bodies should ensure public access throughout the process of formulating and implementing policies, laws and regulations.



# Awajun indigenous protesters in Bagua



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## Rainforest Resources Conflict in Northern Peru Turns Bloody

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**BAGUA, Peru, June 6, 2009 (ENS)** - Peruvian Special Forces staged a violent raid early Friday on a group of indigenous people who were sleeping at a road blockade outside of Bagua in the remote northern Peruvian Amazon. At least 25 civilians are confirmed dead and over 100 were wounded and nine police officers are confirmed dead in the raid.

For the past two months, indigenous people have blocked waterways and roads across the Amazon, demanding the repeal of legislative decrees issued last year to bring Peru into compliance with the U.S.-Peru Free Trade Agreement, which took effect early this year. The protesters claim the decrees will allow deforestation and privatization of their traditional lands and natural resources.



Peruvian Police break up a roadblock by indigenous people near Bagua, June 6, 2009. (Photo © Thomas Quirryen courtesy CATAPA)

More than 600 police attacked several thousand unarmed Awajun and Wambis indigenous peoples on the Fernando Belaunde Terry road, including many women and children and forcibly dispersed them using tear gas and live ammunition.

Demonstrators refused to move from the roadblock as police in helicopters fired teargas grenades and live ammunition. Eyewitnesses report that police also attacked from both sides firing live rounds into the crowd as people fled into surrounding steep hillsides, where many were trapped.

As the demonstrators were being killed and injured, some wrestled with police, fighting back in self-defense, which resulted in the reported deaths of the nine police officers.

Protests, which have involved more than 10,000 men, many of them in war paint and armed with bows and arrows, are being coordinated by the Peruvian Rainforest Inter-Ethnic Development Association, AIDESEP, an umbrella group that represents most of the country's approximately 50 Amazonian indigenous ethnicities.

"This is a struggle to defend our rainforest, to defend our natural resources, to defend the territory we live in," said Daysi Zapata, vice president of AIDESEP.

In local radio reports, the chief of police claimed that the indigenous demonstrators were armed and fired first. This claim has been rejected by dozens of local eyewitnesses including local journalists who confirm that Amazonian demonstrators have been entirely peaceful and only bear traditional spears and in no way provoked any violence.

Gregor MacLennan of Amazon Watch who is in Bagua gathering testimonies



Peruvian Police take a demonstrator into custody. (Photo © Thomas Quirryen courtesy CATAPA)

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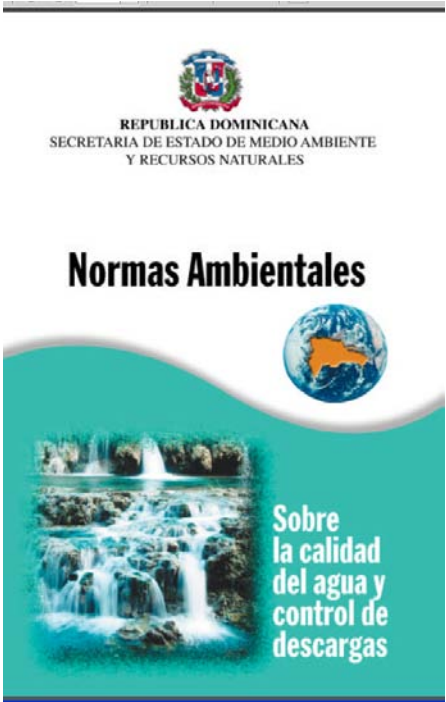
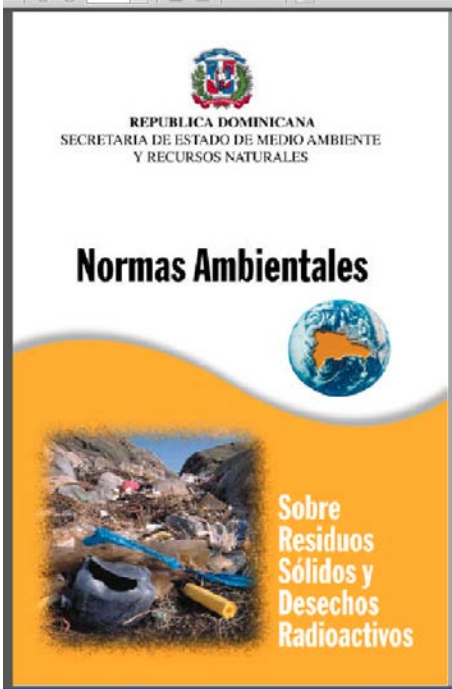
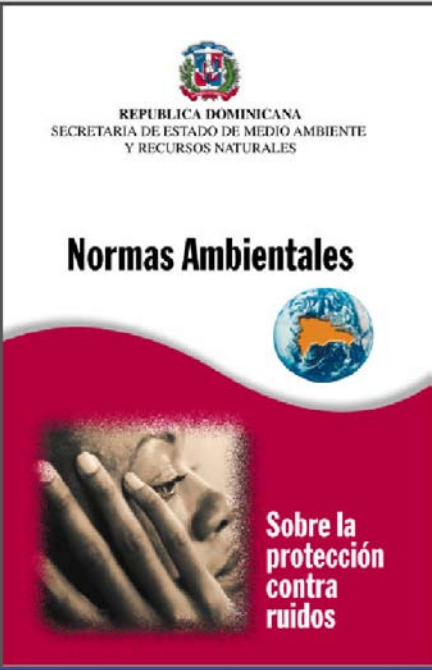
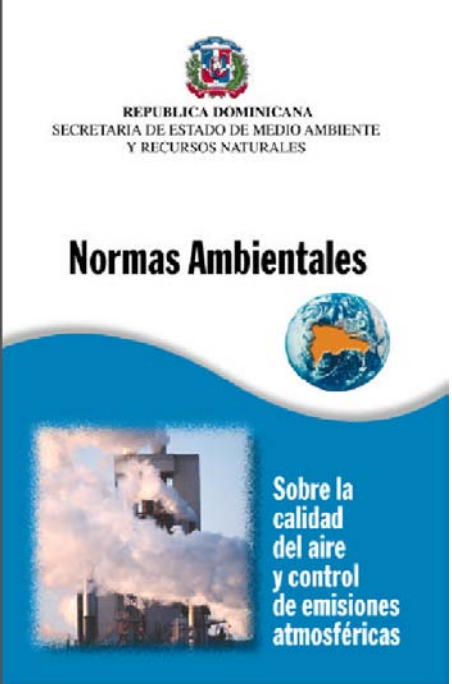
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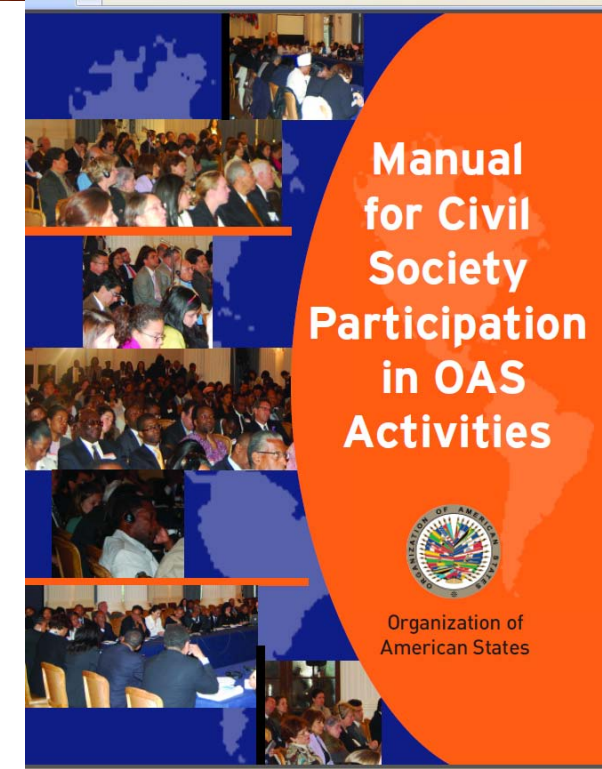
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# Dominican Republic: Environmental Norms





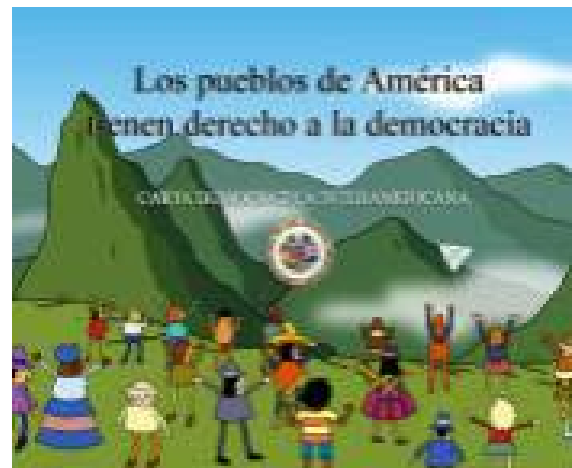
# Links with Enforcement and Compliance



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## Access to justice

Effective access to **judicial and administrative proceedings**, including redress and remedy, shall be provided.





# PUBLIC PARTICIPATION



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Refers to all interaction between government and civil society

Includes the process by which government and **civil society** open dialogue, establish partnerships, share information, and also interact to design, implement, and evaluate development policies, projects, and programs





- *Decision 368-2008, 1st Instance, San Cristobal Judicial District, (Illegal extraction and transport of soil-aggregates)*
- *Colombia Sentencia Tutela T-92-93, SS Triglav*
- *MASSACHUSETTS et al. v. ENVIRONMENTAL PROTECTION AGENCY*
- *American Electric Power Co. v. Connecticut (AEP)*



Foto Roberto Ribeiro